

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JENNIE DEVRIES, Plaintiff, v. HOPE COLLEGE, Defendant.	Case No. 1:22-cv-01224-PLM Hon. Paul L. Maloney CLASS ACTION
TRICIA GARNETT, Plaintiff, v. HOPE COLLEGE, Defendant.	Case No. 1:22-cv-01225-PLM Hon. Paul L. Maloney CLASS ACTION
MARK CYPHERS, Plaintiff, v. HOPE COLLEGE, Defendant.	Case No. 1:23-cv-00013-PLM Hon. Paul L. Maloney CLASS ACTION

<p>TIM DROST,</p> <p>Plaintiff,</p> <p>v.</p> <p>HOPE COLLEGE,</p> <p>Defendant.</p>	<p>Case No. 1:23-cv-00078-PLM</p> <p>Hon. Paul L. Maloney</p> <p>CLASS ACTION</p>
<p>JOSEPH O. RODGERS,</p> <p>Plaintiff,</p> <p>v.</p> <p>HOPE COLLEGE,</p> <p>Defendant.</p>	<p>Case No. 1:23-cv-00109-PLM</p> <p>Hon. Paul L. Maloney</p> <p>CLASS ACTION</p>

**JOINT MOTION TO CONSOLIDATE CASES
AND SET A SCHEDULE FOR THE FILING OF A
CONSOLIDATED AMENDED COMPLAINT**

Plaintiffs in the Related Cases—described in full below—and Defendant Hope College (“Hope” or “Defendant”) jointly move the Court for an order consolidating these five filed related cases pending in this District pursuant to Fed. R. Civ. P. 42(a). The parties further seek Court approval of their agreed upon schedule for the filing of a single consolidated amended complaint. In support of their motion, the Related Cases Plaintiffs and Hope state as follows:

1. Between December 26, 2023 and January 30, 2023, five class actions were filed in this District against Defendant Hope concerning a data security incident that Hope announced on or around December 15, 2022. The complaints in each of these cases allege that Hope failed to adequately safeguard the sensitive personal identifying information of Plaintiffs and putative Class Members, and assert various state law claims. These actions, and the dates on which they were filed, are set forth below:

- *Devries v. Hope College*, Case No. 1:22-cv-01224 (“*Devries*”), filed December 26, 2022 and currently pending before the Hon. Paul L. Maloney;
- *Garnett v. Hope College*, Case No. 1:22-cv-01225 (“*Garnett*”), filed December 27, 2022 and currently pending before the Hon. Paul L. Maloney; and
- *Cyphers v. Hope College*, Case No. 1:23-cv-00013 (“*Cyphers*”), filed January 5, 2023 and currently pending before the Hon. Paul L. Maloney;

- *Drost v. Hope College*, Case No. 1:23-cv-00078 (“*Drost*”), filed January 20, 2023 and currently pending before the Hon. Paul L. Maloney; and
- *Rodgers v. Hope College*, Case No. 1:23-cv-00109 (“*Rodgers*”), filed January 30, 2023 and currently pending before the Hon. Paul L. Maloney (collectively, the “Related Cases”).

2. Plaintiffs in all of the Related Cases and Defendant Hope College jointly move the Court for an order consolidating these cases pursuant to Fed. R. Civ. P. 42(a). Fed. R. Civ. P. 42(a) provides that “[i]f actions before the court involve a common issue of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost of delay.”

3. The Related Cases satisfy this criteria. The complaints in each of them raise common questions of law and fact, arise from the same data security incident at the same defendant, are brought on behalf of substantially identical classes, and allege that Hope failed to adequately safeguard the sensitive personal identifying information of Plaintiffs and putative Class Members.

4. Pursuant to LCivR 7.1(d), counsel for Plaintiffs in the Related Cases have conferred amongst themselves and with counsel for Hope, and agree that consolidation of the Related Cases is appropriate under Fed. R. Civ. P. 42(a). The parties have also agreed to a schedule for the filing of an operative consolidated

amended complaint, and to relieve Hope of the duty to respond to the various initial complaints filed in these actions in the interim.

5. A Proposed Order is attached as **Exhibit 1**, and a Certificate pursuant to LCivR 7.1(d) will be filed concurrently with this Motion.

WHEREFORE, Plaintiffs in the Related Cases and Defendant Hope respectfully request that this Court enter an Order, substantially in the form attached as **Exhibit 1**, and consolidate this case with the Related Cases, all of which are presently assigned to the Hon. Paul L. Maloney, enter the proposed deadlines to file the operative consolidated amended complaint, and to stay the deadline for Hope to respond to the individual complaints.

Dated: February 10, 2023

Respectfully submitted,

/s/ E. Powell Miller

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CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2023, I electronically filed the foregoing document(s) using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

/s/ E. Powell Miller

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